

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

March 22, 2021

Nathan Ochsner, Clerk of Court

United States of America

v.

JIMMY LEE SMART

Case No.

4:21-mj-582

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/10/2021 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:*Code Section*

18 U.S. Code § 1704

*Offense Description*

KEYS OR LOCKS STOLEN OR REPRODUCED

This criminal complaint is based on these facts:

Please see attached Affidavit by Postal Inspector LAUREN BRISTER in support of this Criminal Complaint.

☒ Continued on the attached sheet.*Complainant's signature*

LAUREN BRISTER, U.S Postal Inspector

*Printed name and title*

Sworn to before me telephonically.

Date: 03/22/2021*Judge's signature*City and state: Houston, TX

Sam S. Sheldon, U.S Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

Your Affiant, Lauren E. Brister, being duly sworn, hereby Depose and say:

1. Affiant is a Postal Inspector (PI) with U.S Postal Inspection Service (USPIS) and has been so employed since June 2017. Affiant is currently assigned to the USPIS Mail Theft Team, which is tasked with the investigation of complex mail theft crimes, including but not limited to, credit card fraud, money order fraud and identity theft. Affiant has gained experience in conducting such investigations through on the job training and everyday work-related investigations. Affiant has personally participated in investigations involving violations of federal law regarding mail theft and criminal groups that result from such unlawful activity. As a Postal Inspector, Affiant is authorized to investigate violations of the United States and to seek forfeiture of property under authority of the United States.

2. Affiant submits this affidavit in support of a Criminal Complaint charging Jimmy Lee SMART with 18 U.S. Code § 1704 (Keys or locks stolen or reproduced).

3. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, Affiant has not included each and every fact known by the Affiant concerning the ongoing investigation. This affidavit is based upon Affiant's personal knowledge, or from information obtained or provided via records, and interviews of witnesses and other law enforcement agents. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

**BACKGROUND ON POSTAL SERVICE ARROW KEYS**

4. The U.S. Postal Service uses a universal key, known as an arrow key, to access specific U.S. Postal Service containers such as mail collection boxes, outdoor parcel lockers, cluster box units, and apartment mailbox panels. The boxes, lockers, units, and panels are all equipped with a specially marked U.S. Postal mail lock, which can only be opened with the arrow keys. These arrow keys have an assigned key code that corresponds with a U.S Postal Service mail lock code. If an arrow key's code corresponds with the mail lock's code, the key is able to open the lock which gives the postal employee access to the interior of the mailbox along with its contents. Arrow keys and U.S mail locks are unique to the U.S. Postal Service and only U.S Postal Service employees should have access to arrow keys and mail locks.

5. Based on Affiant's training and experience investigating mail theft, theft of U.S.

Postal Service mail locks are a common target for mail thieves and are routinely damaged or stolen by individuals attempting to steal mail from the boxes. As such, stolen or damaged mail locks are often replaced without there being any official record of the new mail lock being installed.

6. Also based on Affiant's training experience, mail locks are often reversed engineered by mail thieves to fabricate replica or counterfeit postal arrow keys. Individuals in possession of replica or counterfeit arrow keys are able to gain access to the interior and contents to numerous postal collection boxes.

**JIMMY LEE SMART**

7. On February 23, 2021, Postal Inspectors from the United States Postal Inspection Service (USPIS) became aware of Jimmy Lee **SMART**'s arrest by Shenandoah Police Department (SPD) on February 10, 2021 for the Unlawful Use of Criminal Instrument (SPD report number 21M001444), a state jail felony under the laws of Texas. Affiant has reviewed this offense report and the following is a summary of the SPD report:

a. On February 9, 2021 at approximately 10:35pm SPD Officers were alerted to the existence of a suspicious vehicle located at the Home2 Suites Hotel, 223 David Vetter in Shenandoah, Texas. The reportee, a truck driver, stated to SPD Officers that he observed a white Chevy Silverado parked in the parking lot of the hotel with a white male driver and a white female passenger. The truck driver explained that the male and female had jumped into the truck and rapidly driven out of the parking lot after they realized the truck driver had noticed them. The truck driver advised he located a screwdriver on the ground where the Chevy was parked and thought it was suspicious as hotels are high areas for burglaries and because of this the truck driver alerted SPD.

b. At approximately 12:07am, on February 10, 2021, SPD Officers observed the suspicious vehicle had returned to the hotel parking lot at 223 David Vetter Boulevard, Shenandoah, TX 77385 and was parked in the same location as described by the truck driver reportee. SPD Officers approached the suspect vehicle and the driver, later identified as Jimmy Lee **SMART**, exited the driver's side of the vehicle and attempted to flee. **SMART** was detained as was the passenger, later identified as Nicole Renee Gaddis. Upon detaining **SMART** and **GADDIS** from the vehicle, SPD

Officers could smell a strong distinct odor of burnt marijuana emitting from the vehicle. Officers also observed two small half-burnt Marijuana cigarettes in plain view, resting in the ashtray of the vehicle. Officers conducted a probable cause search of the vehicle based on the suspected marijuana and located a dismantled U.S Mail lock (stamped with US Mail on the side), several grinding tools used to cut metal, and an uncut key with grind markings consistent with grinding tools recently used on it to be manufactured or fabricated. All were located inside of the vehicle on the driver's side edge next to the center console of the vehicle. A fully fabricated/fully cut key that did not appear to be professionally made was located on the keyring that was still in the ignition of the vehicle where SMART exited upon Officer arrival. The fabricated/fully cut key looked similar to the uncut key. Officers next located a second U.S. Mail lock that appears to have been tampered with in the truck bed toolbox. SPD Officers tested the fabricated/fully cut key on both locks and the key(s) fit both locks. When questioned by SPD, **SMART** took full ownership of the vehicle however denied any knowledge of the US Mail locks. Gaddis stated that the room she and **SMART** were staying in at the Home2 Suites was under **SMART**'s name. **SMART** was placed in custody for Unlawful use of a Criminal Instrument and later transported to the Montgomery County jail and booked without incident.

8. On February 23, 2021, Affiant traveled to the Home2 Suites located at 223 David Vetter in Shenandoah, Texas and met with hotel management representatives. The representatives confirmed that **SMART** and Gaddis had rented a room and were staying at the hotel on the night of their arrest by SPD, February 9, 2021 to February 10, 2021. Hotel management stated that the items/property from the room booked under **SMART**'s name were left abandoned in the room. Hotel management transferred custody of the abandoned property to your Affiant. The property from SMART'S room included numerous pieces of opened and unopened mail, none of which were addressed to either SMART or Gaddis. Also included among the abandoned property was hundreds of personal and business checks (organized in two separate cardboard boxes), and numerous credit cards and documents containing personal identifying information such as social security numbers and account numbers, none of which matched SMART or Gaddis.


9. On March 1, 2021, Affiant travelled to the Shenandoah Police Department property



room. While there, SPD Officers transferred custody of the US Mail Locks and fabricated arrow keys that were seized from SMART's vehicle. Based on her training and experience, Affiant observed the US Mail Locks to appear to be genuine stolen locks from US mailboxes and the Arrow Keys to be fabricated in a manner consistent with mail theft cases.

10. As an Inspector with the United States Postal Inspection service, Affiant is aware of prior cases held by Postal Inspectors where in 2013 SMART was charged and convicted of 18 U.S. code § 1708 (Theft or Receipt of Stolen Mail Matter) and in 2016 SMART was charged and convicted of 18 U.S. code § 1028A (Aggravated Identity Theft).

11. Based upon the totality of the foregoing facts and circumstances, Affiant believes that evidence of a violation of 18 U.S. Code § 1704 (Keys and locks stolen or reproduced) and that there is probable cause for the issuance of an arrest warrant for Jimmy Lee SMART.

  
Lauren E. Brister  
United States Postal Inspector

Subscribed and sworn to telephonically, on this 22nd day of March 2021, and I do find probable cause.

  
Sam S. Sheldon  
UNITED STATES MAGISTRATE JUDGE